

ESTTA Tracking number: **ESTTA606288**

Filing date: **05/27/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

| | | | |
|---------|---|-------------|------------|
| Name | The Co-Executors of the Michael J. Jackson Estate | | |
| Entity | Estate | Citizenship | California |
| Address | 1801 Century Park West Los Angeles, CA 90067-6406 UNITED STATES | | |

| | | | |
|----------------------|--|--|--|
| Attorney information | Joel R. Feldman and Jeffrey M. Smith Greenberg Traurig, LLP 3333 Piedmont Rd, NE Suite 2500 Atlanta, GA 30305 UNITED STATES atltrademark@gtlaw.com, feldmanjoel@gtlaw.com Phone: 6785534778 | | |
|----------------------|--|--|--|

Applicant Information

| | | | |
|------------------------|---|------------------------|------------|
| Application No | 85845138 | Publication date | 04/29/2014 |
| Opposition Filing Date | 05/27/2014 | Opposition Period Ends | 05/29/2014 |
| Applicant | VisOptical, LLC 1638 Headland Drive Fenton, MO 63026 UNITED STATES | | |

Goods/Services Affected by Opposition

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| Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Eyewear |
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Grounds for Opposition

| | |
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| False suggestion of a connection | Trademark Act section 2(a) |
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|-------------|------------------------------------|
| Attachments | 131437327_1 (2).pdf(164992 bytes) |
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

| | |
|-----------|-----------------------|
| Signature | /jrf/ |
| Name | Joel R. Feldman, Esq. |

| | |
|------|------------|
| Date | 05/27/2014 |
|------|------------|

5. Under the nickname “King of Pop,” Michael Jackson achieved worldwide fame and recognition.

6. The term “King of Pop” is recognized throughout the United States as uniquely and unmistakably identifying Michael Jackson.

7. Under California probate law, the Estate is the successor-in-interest to Michael Jackson’s personality rights.

8. Applicant seeks to register KINGOFPOP in International Class 9 for eyewear.

9. Applicant filed the Application on February 8, 2013, based on Applicant’s alleged intent to use the applied-for KINGOFPOP mark.

COUNT I
FALSE SUGGESTION OF A CONNECTION

10. Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a), prohibits registration on the Principal Register of a mark that disparages or falsely suggests a connection with persons, living or dead, institutions, beliefs, or national symbols, or which bring them into contempt or disrepute.

11. The Estate is not connected with Applicant or Applicant’s eyewear.

12. The Estate has not consented to Applicant’s registration of KINGOFPOP as a United States trademark.

13. Michael Jackson and his “King of Pop” nickname are so famous that consumers will presume that Applicant’s eyewear is connected to the Estate.

14. Applicant’s KINGOFPOP mark falsely suggests a connection with Michael Jackson and has the potential to disparage Michael Jackson and the Estate.

The Estate requests that this opposition be sustained and registration of Application Serial No. 85/845,138 be refused.

Date: May 27, 2014

Respectfully submitted,
GREENBERG TRAURIG LLP



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Attorneys for Opposer
The Co-Executors of the Michael J.
Jackson Estate

CERTIFICATE OF ELECTRONIC TRANSMISSION

I certify that this Notice of Opposition is being transmitted electronically to the Trademark Trial and Appeal Board of the United States Patent & Trademark Office on May 27, 2014, through the ESTTA electronic filing system at the web site <http://estta.uspto.gov/>.



Joel R. Feldman, Esq.

CERTIFICATE OF SERVICE

I certify that on May 27, 2014, I served the foregoing Notice of Opposition by First-Class mail in a sealed envelope to:

Clyde L. Smith
Thompson Coburn LLP
505 N. 7th Street, Suite 3500
Saint Louis, MO 63101



Joel R. Feldman, Esq.